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 SL NO... 21 ... Dt... 18 DEC 2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
 EAST ZONE BENCH, KOLKATA
 ORIGINAL APPLICATION UNDER NATIONAL GREEN TRIBUNAL
 ACT, 2010**

Original Application No. 162 of 2024/EZ

In the matter of:-

Sri Arun Kumar Dutta & Ors.
 Applicants.

=Versus=

The State of West Bengal & Ors.
 Respondents.



In the matter of:-

- 1.. Sri Arun Kumar Datta, son of late Sourindra Mohan Datta, resides at 2/1/3, N.B.Mallick Road, Beadon Street, Post Office and Police Station – Maniktala, Kolkata – 700 006.
- 2.. Smt. Shelly Paul, wife of late Somenath Paul.
- 3.. Sri Sandip Kumar Paul, son of late Somenath Paul.
- 4.. Sri Sanjay Kumar Paul, son of late Somenath Paul.
- 5.. Smt. Pratima Paul, wife of late Amarnath Paul.
 - Nos.2 to 5 are residing at 26/10, Mahatma Gandhi Road, Post Office – Raja Ram Mohan Sarani, Police Station – Muchipara, Kolkata – 700 009.
- 6.. Smt. Susmita Paul, daughter of late Amarnath Paul, resides at Jeevan Nir, P-9/1, Moti Jhil Avenue, Post Office – Moti Jhil, Police Station – Dum Dum, Kolkata – 700 074.

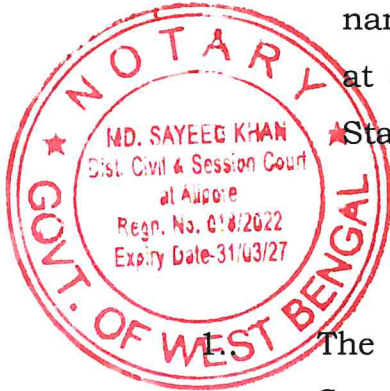
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7.. Smt. Anindita Paul, daughter of late Amarnath Paul, resides at 109, Sitaram Ghosh Street, Kolkata – 700 009.

- all are represented by their constituted Power Attorney, namely Sri Sujay Sarkar, son of Sri Nirmal Sarkar, resides at 3/48, Azad Hind Nagar, Post Office – Agarpara, Police Station – Ghola, District – North 24-Pargana, Pin – 700 109.

... **APPLICANTS.**

=Versus=



1.. The State of West Bengal, service through the Principal Secretary, Departmental Urban Development and Municipal Affairs, Government of West Bengal, having its office at “Nagarayan Bhavan, Block – DF-8, Sector-I, Bidhannagar, Kolkata – 700 064. Email:- secy.ma-wb@gov.in

2.. The Chairman, West Bengal Pollution Control Board, having his office at “Paribesh Bhavan”, 10A, LA Block, Sector – III, Salt Lake City, Kolkata – 700106. Email:- chairman@wbpcb.gov.in

3.. The District Magistrate, North 24-Parganas, having his office at Post Office and Police Station – Barasat, District – North 24-Parganas, Pin – 700 124. Email:- dm-bar-wb@nic.in

4.. The Sub-Divisional Officer, Barrackpore, having his office at Post Office and Police Station – Barrckpore, District – North 24-Parganas, Pin – 700 120. Email:- sdobarrackpore@gmail.com

5.. The Block Land and Land Reforms Officer, Sodepur, having his office at Post Office- Sodepur, Police Station – Khardah,

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District – North 24-Parganas, Pin – 700 110. Email:-
blrosodepur@gmail.com

6.. The Board of Councillors, Panihati Municipality, having office at Sodepur, Post Office – Panihati, Police Station – Khardah, District – North 24-Pargana, Pin – 700 114. Email:-
panihatimunicipality@yahoo.co.in

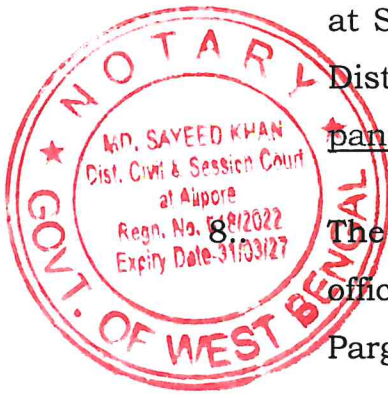
7.. The Executive Officer, Panihati Municipality, having his office at Sodepur, Post Office – Panihati, Police Station – Khardah, District – North 24-Pargana, Pin – 700 114. Email:-
panihatimunicipality@yahoo.co.in

The Inspector-in-Charge, Ghola Police Station, having his office at Ghola, Post Office – Ghola, District – North 24-Parganas, Pin – 700 111. Email:- icgholaps@gmail.com

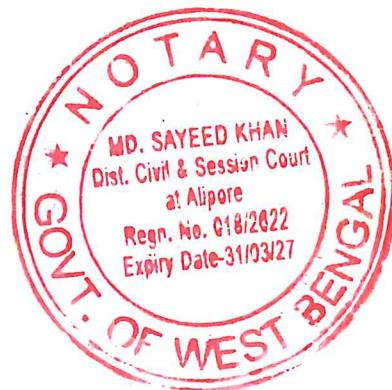
9.. Sri Dipak Saha, son of late Anil Chandra Saha, resides at A/36, 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available

10.. Sri Surajit Paul @ Tappa, son of Sri Sudip Paul, resides at 1 no. Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available

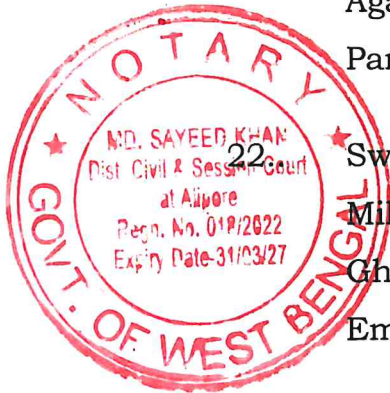
11.. Sri Dulal Saha, son of Unknown resides at A/3, 1 no. Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available.



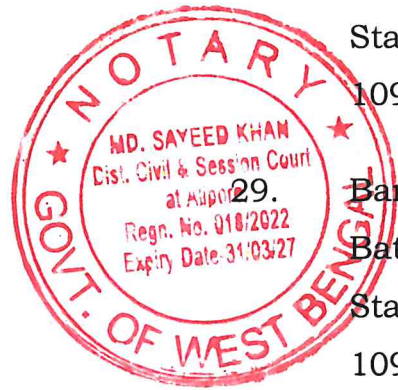
- 12.. Smt. Mina O rao, wife of late Bishu O rao, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available
- 13.. Sri Bappa O rao @ Tapa O rao, son of late Bishu O rao, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available.
- 14.. Sri Nelo Majhi, son of late Sishupada Majhi, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available
- 15.. Sri Surajit Mahali, son of late Souren Mahali, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available
- 16.. Sri Abhijit Mahali, son of late Souren Mahali, resides at 1 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available
- 17.. Smt. Asha Mondal, wife of late Rabi Mondal, resides at 2 no. Azad Hind Nagar, Jhil Par, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109. Email:- Not available



- 18.. Radhesyam Saha, residing at A/4, 1 no. Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata–700109. Email:- not available
- 19.. Bapi Rajbanshi, residing at 3 No. Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109. Email:- not available
- 20.. Pritam Dutta @ Bapi, residing at Patna Thakurtala, Post Office and Police Station – Nimta, District – North 24-Parganas, Kolkata – 700 049. Email:- not available
- 21.. Shibu Saha, residing at 2/6, 2 Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109. Email:- Not available
- 22.. Swapan Das, residing at A/37, 1 Azad Hind Nagar, (Near Milansamity Club) Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109. Email:- Not available.
23. Biswanath Sarkar, residing at A/13, 1 No Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109, Email:- Not known.
24. Milon Bhattacharya, residing at A/12, 1 No Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109, Email:- Not known
25. Sanat Gayen residing at A/24, 1 No Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109, Email:- Not known



26. Raju Paul, residing at 2/4, 2 No Azad Hind Nagar, Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109, Email:- Not known.
27. Arun Paul, residing at A/1, Asharam Jhil Par, Ushunpur Battala Bazar (Near Dhopapatti), Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109, Email:- Not known.
28. Kedar Paul, residing at A/1, Asharam Jhil Par, Ushunpur Battala Bazar (Near Dhopapatti), Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109, Email:- Not known.
29. Barun Paul, residing at A/1, Asharam Jhil Par, Ushunpur Battala Bazar (Near Dhopapatti), Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 109, Email:- Not known.
30. Aritra Paul, residing at A/1, Asharam Jhil Par, Ushunpur Battala Bazar (Near Dhopapatti), Post Office – Agarpara, Police Station - Ghola, District – North 24-Parganas, Pin – 700 109, Email:- Not known.
31. Nirmal Das, residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station - Ghola, District – North 24-Parganas, Kolkata– 700 111, Email:- Not known.
32. Mithun Barman, residing at Dakshin Subhas Nagar, Dhanmath, Asharam Jhil Par, Post Office and Police Station -



Ghola, District – North 24-Parganas, Kolkata– 700 111,
Email:- Not known.

33. Bikash Barman, residing at Dakshin Subhas Nagar,
Dhanmath, Asharam Jhil Par, Post Office and Police Station -
Ghola, District – North 24-Parganas, Kolkata– 700 111,
Email:- Not known.

34. Nilu Sarkar, residing at 3/10, 3 Azad Hind Nagar, Post Office
– Agarpara, Police Station - Ghola, District – North 24-
Parganas, Pin – 700 109, Email:- Not known

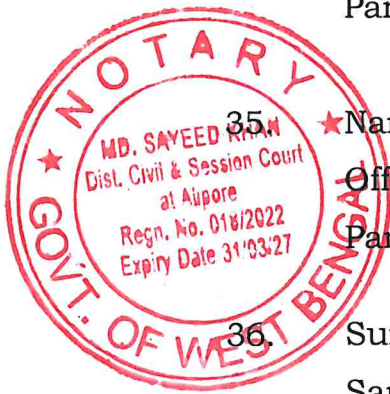
35. Nani Mondal, residing at Thirthbharati Saral Pally, Post
Office- Tirthabharati, Police Station- Ghola, District- North 24
Parganas, Kolkata- 700111, Email:- Not available.

36. Surajit Chowhan, residing at 2 Azad Hind Nagar, (Near Ntaji
Samaj Kallyan Sangha Club) Post Office – Agarpara, Police
Station - Ghola, District – North 24-Parganas, Pin – 700 109,
Email:- Not known.

37. Rabi Mondal residing at Dakshin Subhas Nagar, Dhanmath,
Asharam Jhil Par, Post Office and Police Station - Ghola,
District – North 24-Parganas, Pin – 700 111, Email:- Not
known.

... **RESPONDENTS.**

Respondent no 18 to 37 has been added pursuant to leave granted by
the Hon'ble Tribunal by order dated 18.11.2024.



SOLEMNLY AFFIRMED AND DECLARED
BEFORE ME U/S 139CFC 101CNC
18/11/24
Jobban Majumdar,
Advocate
MD. SAYEED KHAN
NOTARY
GOVT. OF WEST BENGAL
REGD. NO. 018/2022
P. K. S. ROY ROAD, KOL-1
G-28, BAITIKAL 2ND LANE, KOL-24
11 88DD E C 2024

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.162/2024/EZ
(I.A. No.84/2024/EZ)

Sri Arun Kumar Dutta & Ors. Applicant(s)
Versus
The State of West Bengal & Ors. Respondent(s)

Date of hearing: 18.11.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

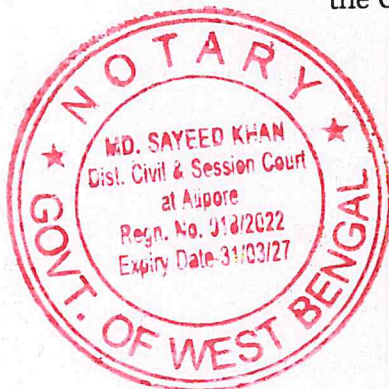
For Applicant(s) : Mr. Sobhan Majumder, Adv. (in Virtual Mode)

ORDER

I.A. No.84/2024/EZ

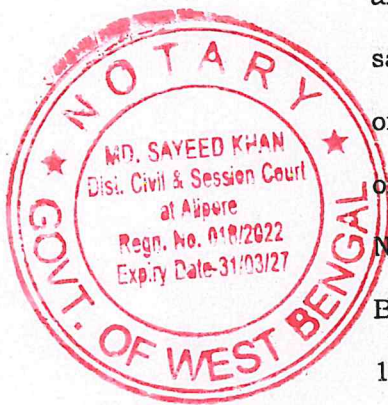
- The Interlocutory Application has been taken up. The prayer in the I.A. is for liberty to implead the persons mentioned at Item No.1 to 20 in the prayer in the array of Respondents as Respondents.
- The allegations in the Original Application is that the Applicants who are seven in number are co-owners of a waterbody (Jhil) namely Ashram Jhil measuring about 37.408 acres. The details of the Plot Nos. and Dag Nos. with Area has been given in para 05 of the Original Application which is as under: -

Sl.No.	Dag No.	Khatian No.	Mouza	Nature	Area.
1.	1231	559	Oshmanpur	Pukur	0.55 Acr
2.	296	449	-do-	Pukur	2.52 Acr
3.	1077	449	-do-	Pukur	1.23 Acr
4.	1075	449	-do-	Pukur	4.71 Acr
5.	1074	449	-do-	Pukur	0.93 Acr
6.	1073	449	-do-	Pukur	4.11 Acr
7.	1231	559	-do-	Pukur	0.55 Acr
8.	1215	449	-do-	Pukurpar	0.11 Acr
9.	1297	449	-do-	Path	0.01 Acr
10.	201/2156	1557	Ghola	Pukur/Jhil	1.46 Acar
11.	201/2158	1557	-do-	Jhil	1.78 Acar
12.	201/2160	1557	-do-	Jhil	4.05 Acar
13.	201/2156	1559	-do-	Jhil	1.46 Acar
14.	201/2158	1559	-do-	Jhil	1.78 Acar

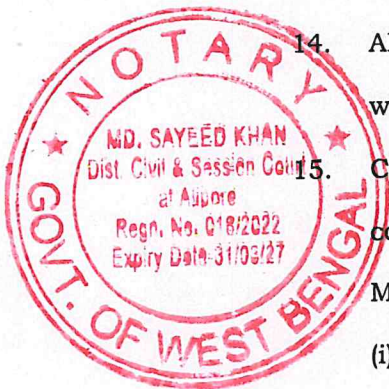


15.	201/2160	1559	-do-	Jhil	4.05 Acar
16.	361/878	449	Oshmanpur	Jhil	3.71 Acar
17.	361/879	449	-do-	Jhil	0.57 Acar
18.	361/880	449	-do-	Pukur	2.52 Acar
19.	361/882	449	-do-	Pukur	1.40 Acar
20.	361/875	449	-do-	Pukur	1.30 Acar
21.	361/889	449	-do-	Pukur	4.94 Acar
22.	361/885	449	-do-	Pukur	0.46 Acar
23.	361/886	449	-do-	Pukur	4.22 Acar

3. The said waterbody is stated to be situated on 1, 2 and 3, Azad Hind Nagar, Post Office – Agarpara, Police Station – Ghola, District – 24 Paiganas (North), Kolkata – 700109 within Ward No.27, Holding No.218 and 219 of Panihati Municipality.
4. The allegation is that the Respondent Nos.9 to 17 in addition to the proposed Respondents are rank-trespassers and do not have any lawful right, title and interest over any portion of the said waterbody and have made construction on the waterbody by filling it up and changing its nature and character as waterbody.
5. It is also alleged that the Private Respondents are draining foul water from their respective houses into the said waterbody which is affecting the eco-diversity of the said waterbody. The Applicants are said to have moved an application under Section 144(2) of the Code of Criminal Procedure being M.P. Case No.2073 of 2022 against one Sri Dipak Saha and Sri Surajir Paul @ Tappa, the Respondent Nos.7 and 8 herein on which the Executive Magistrate, Barrackpore, 24 Parganas (North) has vide his order dated 13.06.2022 directed the Inspector-in-Charge, Ghola Police Station to enquire the matter and to submit a Report.
6. It is also stated that the Applicant No.3 submitted a representation before the Executive Officer, Panihati Municipality on 03.03.2022 against the illegal and unauthorized constructions on the waterbody in question but it is alleged that no steps have been taken till date.



7. In this view of the matter, we allow the I.A. No.84/2024/EZ.
8. Let the persons proposed be impleaded in the array of Respondents in the Original Application No.162/2024/EZ as Respondent Nos.18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37.
9. Matter requires consideration.
10. Issue notice to the Respondents, returnable within four weeks.
11. Mr. Sudip Kumar Dutta, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 3, 4, 5 and 8, State Respondents, Government of West Bengal.
12. Mr. Sibojyoti Chakravarti, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.2, West Bengal Pollution Control Board.
13. Issue notice to the Respondent Nos.6 and 7, Panihati Municipality as well as Respondent Nos.9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37, Private Respondents, returnable within four weeks.
14. All the Respondents shall file their counter affidavits within four weeks.
15. Considering the allegations made, we deem it appropriate to constitute a Fact Finding Committee comprising of the following Members:-
 - (i) District Magistrate, 24 Parganas (North), or his representative not below the rank of Additional District Magistrate;
 - (ii) Senior Scientist, West Bengal State Pollution Control Board; and
 - (iii) The Executive Officer, Panihati Municipality or any other Senior Officer nominated by him.



16. The Committee shall visit the site in question and submit its Fact Finding Report within four weeks on affidavit with regard to the allegations made in the Original Application.
17. The District Magistrate, 24 Parganas (North) shall be the Nodal Office for all logistic purposes and for filing the Joint Inspection Report on affidavit.
18. If environmental violations are found, the Committee shall make appropriate recommendations and action proposed to be taken.
19. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Sudip Kumar Dutta and Mr. Sibojyoti Chakravarti, Counsel for the Respondents within 24 hours.
20. **List on 24.12.2024.**

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B. Amit Sthalekar, JM

.....
A. Senthil Vel, EM

November 18 2024,
 Original Application No.162/2024/EZ
 (I.A. No.84/2024/EZ)
 SKB

